

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HOUSE CONCURRENT RESOLUTION 2049**

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 35; RELATING TO NONLIABILITY FOR DAMAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

3       1. Article II, Constitution of Arizona, is proposed to be amended by  
4 adding section 35 as follows if approved by the voters and on proclamation of  
5 the Governor:

6           35. Nonliability for damages that result from use of  
7 police tools

8           SECTION 35. A. IN ANY CIVIL ACTION, A VICTIM, A LAW  
9 ENFORCEMENT OFFICER, THE STATE OR ANY POLITICAL SUBDIVISION OF  
10 THIS STATE OR A MANUFACTURER OF TOOLS THAT ARE USED TO APPREHEND  
11 A SUSPECT IS NOT LIABLE FOR DAMAGES THAT A PLAINTIFF INCURS IF  
12 THE PLAINTIFF IS HARMED WHILE THE PLAINTIFF IS ATTEMPTING TO  
13 COMMIT, COMMITTING OR FLEEING FROM A FELONY CRIMINAL ACT AS  
14 FOUND BY A PREPONDERANCE OF THE EVIDENCE.

15           B. THIS SECTION DOES NOT APPLY IF EITHER:

16           1. A LAW ENFORCEMENT OFFICER, THE STATE OR ANY POLITICAL  
17 SUBDIVISION OF THIS STATE OR A MANUFACTURER OF TOOLS THAT ARE  
18 USED TO APPREHEND A SUSPECT ENGAGED IN INTENTIONAL MISCONDUCT.

19           2. THE DEFENDANT IS A LAW ENFORCEMENT OFFICER, THE STATE  
20 OR ANY POLITICAL SUBDIVISION OF THIS STATE AND THE PLAINTIFF WAS  
21 MISTAKENLY IDENTIFIED.

22           2. The Secretary of State shall submit this proposition to the voters  
23 at the next general election as provided by article XXI, Constitution of  
24 Arizona.